

REMARKS

This Amendment is filed in an RCE in response to the final action of February 17, 2009 in which claims 1-13, 15-26, 28-33 and 36-41 were rejected but claims 9 and 10 (not 10 above) were objected to as being dependent upon rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and in any intervening claims. On account of the indication of allowable subject matter in claims 9 and 10, the Applicant has without prejudice amended claim 1 to include the limitations of claim 9. The dependency of claim 10 has been changed from depending from claim 9 to depending from amended claim 1. It is now believed that, in accordance with the indication of allowable subject matter by the Examiner, that claim 1 is now in allowable form. Claim 1 has also been amended slightly for clarity.

Regarding claim 19, it has been amended to include the limitations of claim 23 which are similar to claim 9. Claims 24, 26 and 28 have been amended to depend from claim 19 instead of cancelled claim 23.

Independent terminal claim 36 has been amended in a manner similar to independent claim 1 and is also believed to be in allowable form.

Similarly, independent network claim 38 has been amended to include the limitations of claim 39 which is similar to claim 9. New claims 42 and 43 are similar to claim 10 and further limit claims 36 and 38.

Regarding the 35 U.S.C. § 101 rejection of claims 19-26 and 38-42, the claimed subject matter is a cellular communication system comprising a terminal and a network as shown for instance by the reference numerals 10 and 16 on Figures 1 and 2. The system obviously comprises a plurality of apparatus elements which exchange the signalling described in the claims and as such the "system" certainly comprises the apparatus of a terminal and a plurality of network element apparatuses which exchange the claimed signalling and as such comprise statutory subject matter. It is not necessary to recite the internal structures of the terminal or the network elements since it is the nature of the signalling that is providing the structure and the cooperative interrelationships between the apparatus elements of

the system. Withdrawal of the statutory subject matter rejection of claims 19-26 and 28-32 is requested.

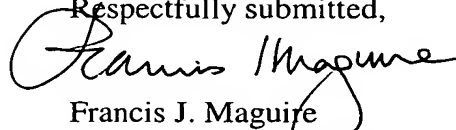
Regarding the statutory subject matter rejection of claim 36, while the browser user agent block may certainly be carried out in software, it may also be hardware and is not limited to either implementation. A terminal, as such, comprises an apparatus which falls within one of the statutory categories of 35 U.S.C. § 101 whether it be implemented in hardware, software, or some combination thereof and withdrawal of the rejection thereof on that ground is requested.

Regarding the 35 U.S.C. § 112, first paragraph, rejection of claims 1, 19, 33, 36 and 38, the formulation suggested by the Examiner has been adopted in claims 1, 19, 33, 36 and 38. Withdrawal of the 35 U.S.C. § 112, first paragraph, rejection is requested.

Regarding the obviousness rejection, it is believed that the above amendment of the independent claims is consistent with the subject matter indicated as being allowable in claim 9 and therefore it is believed that all of the independent claims as well as their dependent claims are now in condition for allowance.

The objections and rejections of the Office Action of February 17, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-8, 10-22, 24-26, 28-33 and 36-44 is requested.

Respectfully submitted,



Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234